IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIRST DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MR JUSTICE J.CHELAMESWAR**

**and**
**THE HON'BLE MR JUSTICE GODA RAGHURAM**

**WRIT PETITION NO : 15657 of 2004**

Between:

G. Venkata Rao, S/o Late Ayodhya Ramayya,
Working in Kakinada Municipality, Kakinada,

East Godavari District.

**..... PETITIONER**

AND

1 State of Andhra Pradesh, rep. by its Secretary to Government,
Municipal Administration and Urban Development (L) Department,

Secretariat Building, Saifabad, Hyderabad.
2 The Commissioner and Director of Municipal Administration,

Burgula Ramakrishna Building, Lower Tank Bund Road,
Hyderabad.
3 The Municipal Commissioner, Kakinada Municipality,

Kakinada, East Godavari District.
4 The Audit Officer, Local Fund Audit,

Kakinada, East Godavari District.

**..... RESPONDENTS**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly, one in the nature of writ of Certiorari: (a) By calling for the records relating to and connected with order and judgment in O.A.No.349 of 1999, dated 08-4-2004 on the file of A.P. Administrative Tribunal,

Hyderabad, and quash or set aside by holding the same as erroneous and unsustainable. (b) also call for the records relating to and connected with proceedings ie., Memo No. 15011/L3/97-5 M.A. dated 9-12-1998 , proceedings ROC No. 23381/97-K1, dated 21-12-1998 and the consequential proceedings ROC. No. 8935/96-C1, dated 29-12-1998 of the respondents No.1 to 3 respectively and quash or set aside by holding the same as arbitrary, illegal, improper and unsustainable apart from being contrary to Fundamental Rules and consequently direct the respondents not to re-fix the pay of the petitioner in the cadre of Junior Assistant.

**Counsel for the Petitioner: MR.NUTY RAM MOHAN RAO**

**Counsel for the Respondents 1 & 2: G.P. for Municipal Admn.**

**Counsel for the Respondent No.3: MR.SRINIVAS DAMMALAPATI**

**The Court made the following:**



**ORDER** **(per the Hon'ble Sri Justice Goda Raghuram)**:

The Writ Petition is directed against the judgment of the Andhra Pradesh Administrative Tribunal, dated 08-04-2004 in O.A.No.349 of 1999. The petitioner challenges the order of the State Government dated 09-12-1998, whereby his request for counting of his past service and tagging it on to his services in the Kakinada Municipality, was rejected by the Tribunal.

The petitioner first joined the service of the A.P. Fisheries Corporation, a Government owned company on 05-10-1976 as a Junior Assistant. Apprehending the continuing health of the Corporation, it would appear, the petitioner requested and applied for appointment as Junior Assistant in the Kakinada Municipality. By proceedings dated 08-01-1990, the Kakinada Municipality was permitted to absorb the petitioner in its service. On 06-09-1991 the Kakinada Municipality passed an order absorbing the petitioner into the Municipality Service. While working as a Junior Assistant of the Kakinada Municipality, the petitioner applied on 23-04-1993 for counting of his past service in the Fisheries Corporation i.e., with effect from 15-10-1996 into his service in the Kakinada Municiplaity and for other benefits on the basis viz., the benefit of the special promotion post, which is eligible to an employee, who has put in 15 years service and is otherwise qualified for such promotion. It is not in dispute that the petitioner was otherwise qualified for the benefits of the

special promotion post, but he did not have the 15 years service unless his past service in the Fisheries Corporation is also reckoned towards his total length of service. After intermediary processing, the State Government eventually by the order dated 19-12-1998 rejected the petitioner's request for counting of his past service.

No legal right or entitlement, on the basis of which the petitioner claims the counting of his past service, is presented before this Court justifying the issuance of a Writ of Mandamus. The A.P. Administrative Tribunal concluded that in the absence of any scheme framed by the Government permitting counting of the past service in the A.P. Fisheries Corporation in respect of his service in the Kakinada Municipality, the petitioner is not entitled to any relief nor could gainfully contend that the order of the State Government dated 09-12-1998 is erroneous. We find no error in the reasons recorded or conclusions arrived at by the A.P. Administrative Tribunal, warranting interference in this Writ Petition.

Therefore, the Writ Petition needs to be dismissed and is accordingly dismissed. No order as to costs.

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**J. Chelameswar, J**

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**Goda Raghuram, J**

1st September, 2004

**Isn**/Gs

To

1 The Secretary to Government, State of Andhra Pradesh,

Municipal Administration and Urban Development (L) Department,

Secretariat Building, Saifabad, Hyderabad.

2 The Commissioner and Director of Municipal Administration,

Burgula Ramakrishna Building, Lower Tank Bund Road,
Hyderabad.

3 The Municipal Commissioner, Kakinada Municipality,

Kakinada, East Godavari District.

4 The Audit Officer, Local Fund Audit,

Kakinada, East Godavari District.

5. Two CCs to G.P. for Municipal Administration, High Court Buildings,

Hyderabad (OUT).

6. Two CD copies.